

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED SERVICES AUTOMOBILE)	
ASSOCIATION)	
a Texas reciprocal inter-insurance exchange,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18-CV-366 (JRG)
)	
WELLS FARGO BANK, N.A.,)	JURY TRIAL DEMANDED
a national banking association,)	
)	
Defendant.)	

**USAA AND WELLS FARGO’S JOINT MOTION TO AMEND DOCKET CONTROL
ORDER IN 366 CASE**

The Parties jointly ask the Court to amend the Court’s Docket Control Order, Dkt. No. 29, as follows.

Deadline	Current	Proposed
Opening reports / close of fact discovery	August 23, 2019	September 20, 2019
Rebuttal reports	September 13, 2019	October 11, 2019
Close of expert discovery / dispositive motions / <i>Daubert</i> motions	September 30, 2019	October 25, 2019

The Parties are currently litigating the above-captioned case as well as Case No 2:18-cv-245-JRG (“the 245 Case”), which is set for trial on November 4, 2019. The parties have been coordinating discovery between both cases in an effort to promote judicial economy. Because of scheduling conflicts on the part of some of the witnesses and the need to finalize discovery in the 245 case, the parties have agreed, if the Court approves, to extend the deadline in the 366 case for fact discover, opening expert reports, and rebuttal expert reports.

The parties also request an extension of the time to file dispositive and *Daubert* motions. There is good cause for the Parties' requested extension. Under the current Docket Control Order for this case, the Deadline to File Dispositive Motions and the Deadline to File Motions to Strike Expert Testimony (including *Daubert* Motions) is September 30, 2019 (Dkt. No. 29). The deadline in the 245 case to File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations is also September 30th (see Dkt. 126 in 245 case). Given the extensive amount of time needed by both parties to compile the joint pretrial order, jury instructions, verdict form, and other items that will be attached to the proposed pretrial order, as well as the need for additional time to complete fact discovery and conclude expert reports in this case, the parties request additional time to file *Daubert* and dispositive motions until October 25.

The proposed extension will not affect any other case deadlines and it is not sought for the purpose of delay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on August 16, 2019 a true and correct copy of the foregoing was served to all counsel of record via CM/ECF.

/s/ Robert Christopher Bunt
ROBERT CHRISTOPHER BUNT